

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BANCORP INTERNATIONAL GROUP, et al.,)) Plaintiff,)) vs.)) FINANCIAL INDUSTRY REGULATORY) AUTHORITY, INC., et al.,)) Defendants) _____)	3:13-cv-00170-RCJ-WGC <u>MINUTES OF THE COURT</u> August 8, 2013
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PRESENT: THE HONORABLE WILLIAM G. COBB, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: KATIE LYNN OGDEN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

Before the court is the stipulation of the parties to extend the time within which The Depository Trust Company, The Depository Trust and Clearing Corporation, National Securities Clearing Corporation, and Fixed Income Clearing Corporation (“DTCC Defendants”) have to answer or otherwise respond to Plaintiff’s Complaint. (Doc. # 30.) This is the second request for an extension of time. On July 15, 2013, this court granted the parties’ stipulation for extension of time for the DTCC Defendants to respond to Plaintiff’s complaint. (Doc. # 29.) Defendants stated at that time the purpose of the extension “is to provide DTCC Defendants additional time to evaluate Plaintiff’s claims against them.” (Doc. # 27.)

The basis stated by the parties for the current stipulation presents different grounds from before, i.e., that the resolution of the motion to dismiss (Doc. # 8) filed by Defendant Financial Industry Regulatory Authority, Inc. (“FINRA”) presents arguments similar to those which the DTCC Defendants might raise. (Doc. #30 at 2.) Therefore, the DTCC Defendants wish to await ruling on the FINRA motion until having to answer to plead with regard to Plaintiff’s complaint. However, the stated rationale for the current stipulation suggests that it would be more appropriate for the DTCC Defendants to submit their motion to dismiss by the August 15, 2013 deadline as opposed to deferring the motion indefinitely. Also, if the DTCC Defendants wait until the FINRA motion is resolved, a possible motion filed at that point in the litigation might unduly prolong the case.

